

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHELLE REINKEN,

Plaintiff,

v.

PCA ACQUISITIONS V, LLC,

Defendant(s).

Case No.: 2:21-cv-137

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA:**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant PCA Acquisitions V, LLC (“PCAA V” or “Defendant”) hereby removes this action from the Allegheny County Court of Common Pleas, State of Pennsylvania, Case No. 2020-08334-MJ, to the United States District Court for the Western District of Pennsylvania. Removal is proper because this Court has subject matter jurisdiction over the action by way of federal question. *See* 28 U.S.C. § 1331. Accordingly, PCAA V removes this action to this Court, and, in support of its Notice of Removal, states the following:

I. BACKGROUND

1. On or about November 6, 2020, Plaintiff, Michelle Reinken (“Plaintiff”), filed a complaint against PCAA V in the Allegheny County Court of Common Pleas, Commonwealth of Pennsylvania, Case No. GD-20-009478 (the “State Court Action”). In accordance with 28 U.S.C.

§ 1446(a), attached hereto as Exhibit A is a complete copy of all process, pleadings, and orders served upon PCAA V in such action.

2. Plaintiff served PCAA V with a copy of the Complaint, and PCAA V received the Complaint on January 4, 2021.

3. This Notice of Removal is being filed within thirty (30) days of PCAA V receiving the Complaint. Accordingly, the action is removable pursuant to 28 U.S.C. § 1446(b)(1).

4. The above-captioned action is a suit for alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

II. REMOVAL BASED ON FEDERAL QUESTION JURISDICTION

5. This Court has original jurisdiction over Plaintiff’s FDCPA claim pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over “all civil actions arising under the Constitution, laws, or treaties of the United States.”

6. Removal of this action is proper under 28 U.S.C. § 1441(a), which provides, in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

7. Plaintiff’s Complaint alleges that PCAA V violated (i) Section 1692c of the FDCPA by purportedly communicating with Plaintiff in an attempt to collect on a debt after Plaintiff’s counsel allegedly informed Capital One Bank—Plaintiff’s prior creditor—of representation; (ii) Section 1692d of the FDCPA because the “only natural consequence” of communication is to allegedly “harass, oppress, and abuse [Plaintiff];” and (iii) Section 1692f of the FDCPA because PCAA V’s singular letter to Plaintiff was allegedly “an unfair and

unconscionable means” to collect Plaintiff’s debt. *See* Complaint at ¶¶ 15, 16, 20, 21, 30, 31, 37, 38, 41, 43, 46.

8. PCAA V denies the allegations in the Complaint, denies that Plaintiff states a claim for which relief may be granted, and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming for jurisdictional purposes only that Plaintiff’s claims are valid, Plaintiff could have originally filed his Complaint in this Court because federal question jurisdiction exists over this action since the allegations asserted by Plaintiff in the Complaint involve questions that will require resolution of significant, disputed issues arising under federal law. Thus, this case qualifies for federal question jurisdiction and is removable because Plaintiff’s Complaint alleges claims under, and requires a ruling on, the FDCPA.

III. VENUE

9. Venue is proper in this Court because this district encompasses the Allegheny County Court of Common Pleas, Commonwealth of Pennsylvania, the forum from which the case has been removed. *See* 28 U.S.C. § 1441.

IV. NOTICE

10. Concurrent with the filing of this Notice, PCAA V will file a Notice of Removal with the Clerk of the Allegheny County Court of Common Pleas, Commonwealth of Pennsylvania, a copy of which is attached hereto as Exhibit B.

11. Upon information and belief, the contents of Exhibit A and Exhibit B constitute the entire file of the action pending in the state court as required pursuant to 28 U.S.C. § 1446(a).

12. PCAA V reserves the right to amend this Notice of Removal.

13. If any questions arise as to the propriety of the removal of this action, PCAA V requests the opportunity to present a brief and argument in support of its position that this case is removable.

V. CONCLUSION

WHEREFORE, having met all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including all the jurisdictional requirements of 28 U.S.C. § 1331, Defendant PCA Acquisitions V, LLC, hereby removes the above-captioned action from the Allegheny County Court of Common Pleas, Commonwealth of Pennsylvania, and seeks whatever further relief this Court deems equitable and just.

Respectfully submitted:

Dated: January 28, 2021

By: /s/ Victoria Summerfield
Victoria Summerfield (Bar No. 311540)
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Attorney for PCA Acquisitions V, LLC

CERTIFICATE OF SERVICE

I certify that on January 28, 2021, I filed the foregoing *Notice of Removal* with the Clerk of the Court, and sent notice, via first class mail, postage prepaid, to the following counsel of record:

Joshua P. Ward
THE LAW FIRM OF FENTERS WARD
The Rubicon Building
201 South Highland Ave, Suite 201
Pittsburgh, PA 15206
Attorneys for Plaintiff

Dated: January 28, 2021

By: /s/ Victoria Summerfield
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